CONSTITUTIONAL POINT ARGUED BEFORE JUSTICE SCOTT.

Decision Early Next Year-Sleuth Jacobs Bears That a Negro Walter at Burbridge's Has Sworn Out a Warrant for Perjury B. F. Cutting Balls Jacobs.

District Attorney Jerome and Alfred Lauterbach, the latter counsel for Jesse Lewisohn, quit dealing in technicalities yesterday and argued the Lewisohn contempt case on its merits before Justice Scott, in Part II. in the Supreme Court. Lewisohn has been adjudged in contempt of court by Justice Wyatt of the Special Sessions for refusing to answer in a secret examination the question whether or not he had ever been in the house of Richard A. Canfield of No. 5 East Forty-fourth street.

Mr. Lauterbach began his argument in a crowded court room shortly after 11:30

He addressed himself to the Constitutional questions, Mr. Jerome interrupting to my that the District Attorney would e, if it should be held that the Federal Constitution applied, that the contempt proceedings were unconstitutional. In discussing the Constitutional questions, Mr. Lauterbach said:

The questions asked of the witness were such that an answer to the same would have formed a necessary link in any chain of evidence sufficient to convict the defendant of gambling, and if such crime were charged to have been committed in the house or place of one Richard A. Canfield, any admission by Mr. Lewisohn that he was in such a place might be regarded by a jury as a very serious admission bearing on the subject of gambling, committed by the relator with the said Canfield or in his place.

Canfield or in his place.

Mr. Lauterbach and that the rule had been perfectly well settled by the decision in the case of the People ex rel. Taylor vs. Forbes, 143 New York Reports. This decision seemed to impress Justice Scott, for he called Mr. Jerome's attention to it. Mr. Lauterbach contended that Lewisohn, and he alone, knew best whether answers to questions would tend to incriminate him of not. On this point he quoted from Judge not. On this point he quoted from Judge O'Brien's decision in the Court of Appeals in

Mr. Lauterbach quoted both from the Federal and State constitutions to show that no person shall be compelled in a criminal case to be a witness against himself, and then took up the New York gaming statute, which provides that a person may not refuse to give testimony in a proceeding against gambling, upon the ground that such testimony would tend to convict him of crime, but that such testimony cannot be received against him upon any criminal inrestigation or proceeding.

It was under this statute that Mr. Lewi-

sohn was adjudged in contempt of court. Discussing the statute, Mr. Lauterbach said: Discussing the statute, Mr. Lauterbach said:

The prevailing opinion of the courts is that such a statute is unconstitutional and does not operate to deprive a witness of his privilege to refuse to answer. There has been some conflict among the decisions upon this question. The leading case upon this subject is that of Counselman vs. Hitchcock, 142. United States Reports, in which the Supreme Court of the United States, after an exhaustive consideration of all of the reported cases on the subject, and of the spirit in which the Constitutional provision was framed, promulgated what is now recarded as the final decision by the highest court in the land of what we hitherto a very vexed question. The Court says:

"We are clearly of the opinion that no statute which leaves the party or witness subject to prosecution after he answers the criminating questions put to him can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statutes does not supply a complete protection from all the perils against which the Constitutional prohibition was desirned to guard, and is not a full substitute for that prohibition. In view of the Constitutional provision, a statutory enactment to be valid must afford absolute immunity against future prosecution for the offence to which the question relates."

Mr. Lauterbach contended that this decision had been made the law of this

Mr. Lauterbach contended that this decision had been made the law of this state by the Court of Appeals in its decision in the Taylor case. He then took cision in the Taylor case. He then took up the legality of the secret proceedings before Justice Wyatt and quoted from Section 5 of the Code of Civil Procedure to the effect that the sittings of every court within this State should be public

court within this State should be public and that every citizen might freely attend the same, except in certain prescribed cases, that under discussion not being one of them. The question presented was whether or not the Magistrate was conducting a judicial proceeding, such as was intended to be covered by the Civil Code. He quoted a number of decisions in support of this contention.

Taking up the question whether Mr. Lewisohn by answering the questions would expose himself to penalty or forfeiture, he quoted from Section 341 of the Penal Code, which provides that a person who wins or loses at gambling the sum or value of \$25 or upward within the space of twenty-four hours is punishable by a fine of five times the value of the sum lost or won, to be recovered in a civil action fine of five times the value of the sum lost or won, to be recovered in a civil action by the Commissioner of Charities for the support of the poor. Mr. Lauterbach said that the District Attorney could give no immunity from such a proceeding or from other penalties recoverable in a civil action from a gambler. Section 342 of the Penal Code either gave Mr. Lewisohn immunity from prosecution or it did not. If it did not give him immunity from prosecution it was unconstitutional, and no promise of the District Attorney could affect its Constitutionality. If it did afford him immunity, he could not be prosecuted in any event by the District Attorney and, therefore, the District Attorney's promise was immaterial.

The District Attorney's brief insisted, first, that no question under the Constitutional transfer in the constitutional constitutional constitutions and the constitutional constitutions.

first, that no question under the Constitu-tion of the United States is involved. He said:

said:

If the provisions of the Fifth Amendment to the Federal Constitution are to be held to apply, it must be because Section I of the Fourteenth Amendment made the provisions of the Fifth Amendment made the provisions of the Fifth Amendment a part of the "privileges or immunities of citizens" of the State of New York or because to proceed contrary to the Fifth Amendment would be to desprive citizens of life, liberty or property without due process of law or of the equal protection of the law. The Supreme Court affirmed the conviction of Hurtado of murder in California, although Hurtado had never been indicted, but had been proceeded against on an information. It was contended in that case in behalf of Hurtado that, under the Fifth and Fourteenth amendments to the Constitution of the United States, it was not due process of law to hold a man to answer for a capital crime except on a presentment or indictment of a Grand Jury.

The logic of the decision is plain. The provision than no person shall be compelled to be a witness against himself in a criminal case and the provision that a person shall be held to answer for a capital crime only on a presentment or indictment of a Grand Jury are found in the same amendment to the United States Constitution, namely, the Fifth. If a State may deprive a citizen of life upon a trial based on an information, with such a provision in the Fifth. Amendment to the United States Constitution, it is impossible to see why it cannot also Constitutionally decrive him of the privilege of pleading that his answer would tend to incriminate him.

After citing many other authorities the

After citing many other authorities the District Attornev's brief asserts that all of those authorities show conclusively that no Federal question is involved in the Lewisohn case. The District Attornev's second point was that Section 342 is Constitutional under the State Constitution. In support of this contention the District Attornev quoted from the ornion of Judge Denio in the case of the people on the relation of Hackley vs. Keily Toshow that the proceedings before Justice Wyatt were regular the District Attorney quoted sections of the Penal and Criminal codes, defining an information, what may and may not be done at the proceedings under an information and the punishment prescribed for disobeying a subpœna or a refusal to be sworn.

Justice Scott took the briefs, and it is

Bank at this place and escaped with all the funds of the institution, \$3,000 in coin and a large amount of paper. Officers with bloodhounds are in pursuit.

expected that a decision will be handed down early in the new year.

On the affidavit of Samuel G. Hitchina, a negro waiter, and at the instance of Ahe Gruber and Daniel O'Reilly of counsel for Burbridge, whose place was raided when Canfield's was, a warrant was issued by Magistrate Brann on Tuesday for Detective Jacobs, the Citizens' Union sleuth, on a charge of perjury. It was served by publication and Jacobs went to the Yorkville court yesterday to inquire what he was wanted for. A complaint was produced in which Hitchins swore that Jacobs had falsely sworn when he testified before Justice Wyatt of Special Sessions that he had gone to the premises at 33 West Thirty-third street on Nov. 26 and played roulette. Hitchins said he was the negro whom Jacobs had referred to in his testimony as Samuel Smith, the doorkeeper. He declared false the testimony of Jacobs that he had gone to the place on Nov. 26, either with another person or alone or that he had played roulette, or that Hitchins had spoken to him that night at the door. The complainants were not present. R. Fulton Cutting gave \$1,500 bail for Jacobs and the case will come up to-morrow.

THIEF AT LAWYER MOERAN'S. Gets \$1,000 Worth of Silver and Things

and Mr. Roy Lincoln's Hat. Mr. Edward H Moeran, counsel for the Marconi Wireless Telegraph Company, cogitated vesterday over a robbery which occurred in his home at 55 Irving place on Tuesday night.

The family had had dinner and were sitting in the dining room about 8:30 o'clock, with several guests. There was a noise at the front door, some one came in, shut the door with a bang and marched upstairs. "Oh, I guess that's Ted," said Miss Amy Moeran, meaning her brother. "I guess he's gone up to his room to put on evening clothes."

No one thought anything more of the matter until about a half hour later, when some one was heard to walk downstairs and close the street door. "That's Ted going out, I suppose," Miss

Amy remarked About 10 o'clock one of the guests, Mr. Roy Lincoln, said that he thought that he would be going home. He went to the hatrack in the hall, but couldn't find his hat On the hook in its place was a dilapidated

derby.

"Perhaps in the barber shop you took the wrong hat by mistake," said Mr. Moeran.
"But [after carefully examining the hat] it was a bad swap."

Mr. Lincoln thought so, too, and went

Mr. Lincoln thought so, too, and went home. Soon the rest of the guests had departed and Mr. Moeran went up to his room on the second-floor front. There was no light and he hunted around for the silver candlestick. It was gone. He called his daughter and she found it in the hallway on the floor. The candlestick was always kept where Mr. Moeran could readily find it and that wasn't on the hall floor.

When Mr. Moeran got a light in his room, he found that the wardrobe doors had been forced with a jimmy, the bureau drawers had been rifled and everything in the room was topsy-turyy. Among the things gone were a large silver punch bowl, several punch ladles, a dozen silver spoons, silver christening sets belonging to members of the Meran family, articles of jewelry which belonged to Mrs. Moeran, and other articles, in all worth about \$1,000.

The front door had been opened with a jimmy and the lock smashed. It had been so cleverly done, however, that it wasn't noticed until an examination had been made.

The thief had worked quietly enough not

made.
The thief had worked quietly enough not to disturb Miss Lilian Moeran or the servants, who were on the third floor. Capt. Titus was notified.

TEN YEARS FOR FISH'S SLAYER.

Interceded With Justice Davy. Thomas J. Sharkey, who killed Banker Nicholas Fish on Sept. 15, was sentenced vesterday by Justice Davy in the Oriminal Branch of the Supreme Court to ten years in State prison, to the surprise of the friends who had interceded for him. Sharkey was not taken to Sing Sing, however, as his lawyers, Abe Levy and Alderman Tom Foley's right hand man, John Hoyer, got a temporary stay from Justice Scott of the Supreme Court on an order to show cause on Monday why a certificate of rea-

for manslaughter in the second degree, which was the degree of crime of which Sharkey was convicted, although he was indicted for manslaughter in the first degree. A number of men made up a pool on the length of the sentence and it was generally thought that Sharkey might be sent away for two years, although it was known that efforts had been made to convince Justice Davy that Sharkey was a peaceable citizen as a rule and killed Fish by misadventure.

Lawyer Levy reminded the Court that the jury brought in a strong recommendation for mercy; he said that Dr. O'Hanlon's testimony showed that Mr. Fish was in such physical condition that a child could have pushed him over and that the striking of his head after the fall probably caused death. "It was more of a misfortune than a deliberate crime," said Mr. Levy. Justice Davy said that there were not

many mitigating circumstances in connec-tion with Sharkey's crime. He said that Sharkey had had lots of time for reflection sharkey had had lots of time for renection after hitting Fish in the saloon and before he reached him to hit him again outside. Of Mr. Fish he said:

"He was a respectable citizen and may have had his faults, but he was not a quarrelated."

have had his faults, but he was not a quarrelsome man. There is no evidence to show
that he tried to strike you, except your
own testimony. In my judgment it would
have been much better for you to acknowledge that you hit him in the heat of passion
than to deny what you actually did. If I
were to be guided by outside opinion I
should impose a light sentence, but I have
my duty to perforin and must satisfy my
own conscience and the public."
Sharkey is in the Tombs over Christmas.
He has powerful political friends, including
Tom Foley and Big Tim Sullivan.

ROW OF DIRECTORY MAKERS. Trow Company's Manager Arrested on

(harge of Taking a Stolen Book. William H. Bates, manager of the Trow Directory Company, was arrested yesterday on a charge of knowingly receiving a directory stolen from a clerk of the United States Directory Company two weeks ago. The row of the directory makers began when the Trow company applied in the United States Circuit Court for an injunction restraining the United States company from using data alleged to have been col-lected by the complaining concern. Soon after, it is alleged, a clerk of the United States company was assaulted and robbed of the directory. A. A. Bowen of 929 West End avenue was arrested as a result of the alleged assault. Magistrate Pool will look into the cases this morning at the Tromba Police court.

Object to Their Father's Guardianship. A petition was filed in the Surrogate Court, Kings county, yesterday, asking for the removal of John Weisenborn as the general guardian of his daughters. Mary A. Lundberg and Alice McGarigle. Mary A. Lundberg and Alice McGarigle. The daughters allege that their father was appointed their guardian after the death of their mother in 1894. He received \$7.020 from the estate, which was for their benefit. They allege that he has taken the money and bought real estate, the title to which is vested in his present wife. The case will come up on Dec. 29.

Bloodhounds on Trail of Bank Robbers. SURPRISE, Neb., Dec. 24.-Robbers last night dynamited the safe of the State

HEARING ON CROWDED CARS.

STATE RAILROAD COMMISSION COMING TO INVESTIGATE.

Vice-President Skitt Says the Elevated Service Will Improve When All Its Electric Trains Are Running—Com-

panies Anxious to Better Conditions. President H. H. Vreeland and General Manager Oren Root, Jr., of the Metropolitan Street Railway Company, with Vice-President Alfred Skitt and Engineer Wisner Martin of the Manhattan Railway Company, responded yesterday to the invitation to talk about crowded cars with Borough Presi-

Mr. Cantor said that they both expressed a thorough willingness to con-sider afresh the question of traffic and to coperate in any measures or to take any steps that might be decided upon as necessary to bring about a change for the better.

Then he said:
Since this conference was called the State Board of Railroad Commissioners has fixed a public hearing for next Tuesday at 10 A. M. in the City Hall. Mr. Cantor thought that inasmuch as the State authority had been appealed to the conference had better be deferred until after the hearing. The officers of the companies present expressed a willingness to comply with any reasonable requirements which may be made upon them by the local authorities. Mr. Cantor stated after the conference that he regretted the state Railroad Commission had been appealed to, as it would have been better, in his judgment to have these questions determined by the municipality, as it was better qualified to judge of present intolerable conditions and the measures necessary to relieve them.

In his letter to the Mayor Mr. Skitt asked

In his letter to the Mayor Mr. Skitt asked hose who complained of traffic conditions o recognize that, in addition to the extraorto recognize that, in addition to the extraordinary recent increase of travel upon the lines of the elevated railroad, the management has had to deal with difficulties inseparable from the transition to electrical equipment and the absence of all the advantages that will be derived from its completion. The letter went on to say: oletion. The letter went on to say:

separable from the transition to electrical equipment and the absence of all the advantages that will be derived from its completion. The letter went on to say:

In respect to the number of trains run, the company has endeavored to furnish enough trains for the ordinary amount of traffic, so as to provide seats for all, except in rush hours, when to do so is a physical impossibility. There have been, however, many cases in which passengers have been obliged to stand in non-rush hours, caused by the difficulty of maintaining at all times a perfectly uniform train interval under existing conditions.

As to the question of compelling passengers to enter cars at one end and leave at the other, this could not be carried into effect without constant conflict with the travelling public, and more serious delays at stations than now exist. One of the most serious objections to this plan, for instance, would be that a passenger securing a seat in the south end of any car at Rector street, and wis lung to alight at Thirty-turid street, in the run nour, would be compelled to push his way to the north end of the cart brough the crowd. This would be especially difficult by reason of the narrow alighes between the cross seats, which are such a popular feature of the trair?

The question of side doors similar to those on cars of the Brooklyn Bridge was thoroughly considered in connection with the new equipment recently purchased. Side doors reduce the seating capacity by not less than eight seats per car, or one-sixth, in a total of forty-civit seats. The condition on the Brooklyn Bridge, being such a short haul, is not comparable to ours, and does not make the seating capacity such an important factor.

As to the travel during the Dewey celebration, to which you refer, the Manhattan system carried, on the first day, 83,000 and on the second day 836,000 passengers under conditions with which every one in New York at the time is familiar. On Monday last the system transported, without undue delay or risk of accident, in the ord

lieved by turning trains at intermediate terminal points above 125th street. Our critics, in counting the number of trains passing Park place, for instance, do not include twenty five-car trains, making 100 cars, which turn at Franklin street in rush hours. The limiting feature of our capacity, above all, is the Fifty-tind street and Ninth avenue junction. During the rush hours eighty-one trains per hour pass this point, going north only, which number cannot with safety be exceeded, and they are massed on one track at 115th street. The only means of relief is the enlargement of all trains to six cars on the main lines and to five cars on the Fifty-eighth street branch. There are now running on Sixth avenue twenty-six trains of five cars each, which will become five-car trains, being twenty cars additional, making forty-six additional cars on the Sixth avenue line as soon as electrical equipment is fully installed.

On Ninth avenue, thirty express trains will be changed from five to six cars, and twenty-four local trains from five to six cars, an addition of fifty-four cars in all, on that line.

There are running to-day on Sixth avenue. There are running to-day on Sixth avenue

There are running to-day on Sixth avenue. There are running to-day on Sixth avenue. There are running to-day on Sixth avenue. There are six-car electric trains. Eight more of these six-car trains will be ready for operation within two weeks. Every engine that is withdrawn tends to the regularity and better speed of the service.

On the East Side lines, every train from all terminals now has six cars, and it is planned to run forty-two trains of 252 cars on Second and Third avenues, now stopping at 120th street, through to 181st street in rush hours, as soon as track material, ordered months ago, is received and put in place.

It is expected that, with the delivery of electrical apparatus and track material and new cars by outside builders, and with the remodelling of cars in our own shops all the improvements outlined, which have been in hand for two years past, will be completed by April next.

Referring to your final question as to the number of trains during non-rush hours, in view of the facts above stated, I can assure you that, with the complete installation of electric trains, we shall be able to, and will provide a service that will leave no ground, in non-rush hours for reasonable complaint, by running, at such hours, as many trains as public comfort and convenience may require. Your offer of cooperation on the part of the city authorities is highly appreciated, and I have already communicated with the commissioners, with a view to preparing suggestions for the consideration and approval of that board.

Replying to the letter sent to him on Tuesday by the Mayor, President Vzeeland

Replying to the letter sent to him on Tuesday by the Mayor, President Vreeland wrote that he would send a representative of his company to the hearing.

"I have no doubt." Mr. Vreeland wrote, that this special investigation will fur-nish a satisfactory answer to all the ques-tions you ask. The subject matter of your questions is too broad to be discussed your questions is too broad to be discussed in the limits of an ordinary letter, but should you desire a personal interview on the subject I would be glad to meet you in consultation and discuss the matter fully with you at such time as you may appoint? appoint."
This answer of Mr. Vreeland's is said

to be satisfactory to the Mayor.

President Fornes of the Aldermen has also expressed his willingness to ccoperate in securing better travelling facilities on elevated and surface railways in this city.

New Cars for Brooklyn Riders. The Brooklyn Rapid Transit Company has ordered 480 high-speed electric trucks for its elevated lines. The Peckham Manufacturing Company of Kingston, N. Y., has the contract and has promised the trucks by the early spring. At least 240 new cars will be put in operation by May 30.

Fined \$500 for Keeping Poolrooms. Judge Blair sentenced Sol Weinthal and James A. Hamill, both of Hoboken, in the Court of General Sessions, Jersey City, yosterday to pay a fine of \$500 each for conducting poolrooms in their liquor salcons. They had pleaded guilty. The Judge said that the imposition of fines in similar cases had not put a stop to violations of the law. He intimated that hereafter the court will not be so lenient.

I'M NOT CRAZY, SAYS NAEF. inventor Sent to an Asylum While a Referee

Paul Naef, an inventor and a stepfather to children almost as old as himself, was committed yesterday by Supreme Court Justice Scott to the Long Island Home at Amityville, as an incompetent. Naef was recently committed to the insane pavilion at Bellevue, after arraignment in the Morisania police court. He is an undersi: e man, with a large beard, and 41 years old He appeared before Justice Scott yesterday on an application made by his wife to have nim sent to Ward's Island as a pauper When his case was called Naef arose and exclaimed:

"Your Honor, I'm the man. I'm Nacf

"Your Honor, I'm the man. I'm Nacf but I'm not crazy Would you call a man crazy just because he believes that the Steel Trust is robbing him? If I'm buggy, Straub must have been worse, for he blew his head off after the trust got hold of his inventions."

Gustave Hurlimann appeared on behalf of the Swise Consul, to whom Nacf had applied for aid as a Swiss. Mr. Hurlimann said that Nacf was worth over \$20,000 in real estate, which he owned here and in Kansas City, and asked that he be sent to some private institution where he could be well looked after. Mr. Hurli nann characterized the proceedings before the court as an attempt by Mrs. Nacf, who is the inventor's second wife, and who has six children of her own, ranging in years from 18 to 35, to get control of her husband's property. property.

Justice Scott, in committing Naef to a private asylum, said that he would appoint a referee to take evidence on the matters

BUILDING LOAN CO.'S FIGHT.

Officers Say New Examination Was Ordered Three Days After Election. The officers of the New York Building Loan Banking Company after a meeting yesterday afternoon at 111 Fifth avenue gave out a statement intended for its members and depositors regarding its applicanation of its books and its alternative writ of prohibition obtained from Justice Herrick on Tuesday at Albany requiring Bank Superintendent Kilburn to show cause why he should not be prevented from applying for a receiver for the company. As in their petition presented to the Court at Albany, the company's officers in

the statement given out vesterday hint at a purpose to wreck the company. The statement says that in May, 1902, after an examination made by the Banking Department extending over nearly five months, the superintendent of the department received a statement from the examiners to the effect that the company was in possession of a solid surplus of over \$150,000 after the value of the assets had been reduced as much as possible by the examiners. Since then there had been no losses and the business had been most profitable.

profitable.

Three days after the election in Novem-Three days after the election in November, in which Attorney-General Davies was defeated for Supreme Court Justice, the officers say, came an order for another examination. This moved the company to act in the interest of its members and the protection of its business in seeking aid from the Supreme Court and getting the restraining order.

The statement declares that the company is in a better condition than ever

pany is in a better condition than ever before and promises its patrons that next year they will be free of the "petty an-noyances they have had in the past."

MRS. WILSON'S BODY EXHUMED. the State Chemist at Hartford.

WILLIMANTIC, Conn., Dec. 24 .- For the second time the remains of Mrs. Julia A. Wilson of Ashford, who is supposed to have been killed by arsenic poison, were ex-humed in the South Ashford Cemetery and the third autopsy was performed by Dr. Rienzi Robinson by the orders of Coroner A. G. Bill. To-day a part of the liver and the femur bone were removed.

At the first autopsy the stomach and heart were removed before the body was buried. These were delivered to Dr. Wolff, the State chemist. At the second autopsy arts of the brain and lungs were taken Coroner Bill took the bone and liver to Wolff had found traces of poison in the stomach and that he wanted the liver and femur bone to determine whether the woman died of the effects of slow poison,

woman died of the effects of slow poison, as slow arsenical poisoning would affect these parts of the body.

After the autopsy the Coroner drove to James Seaton's house, and Ora Wilson, the youngest son of the dead woman, was examined closely in private. Ora has told two stories regarding his mother's death. He told some of his neighbors that he came home from his work in a sawmill and found his mother dead on the lounge. At the Coroner's inquest he said that his mother died on Saturday morning about 6 o'clock and that his brother, Mrs. Manson and himself were present. He also said she died in the bedroom. Other witnesses have said that they saw the dead woman lying on the lounge on Saturday and that

MASCAGNI QUITS IN DISGUST. Sends His Musicians Home-Wouldn't Ap-

pear Here Now for \$10,000 an Hour. CHICAGO, Dec. 24.-Pietro Mascagni, the composer, says he would not appear in public again in this country for \$10,000 an He feels that America has dishonored him. Yesterday he provided funds out of his own pocket to pay for the transportation of his entire orchestra back to Italy.

Almost within the hour he refused an offer of a large sum to go to Detroit to fill a week's engagement. "I do not care ever to play here again," was Mascagni's formal tele-

Members of the Mascagni orchestra and opera company boarded an afternoon train yesterday for New York, where a steamer will be taken for Italy. As soon as he recovers from his illness the composer and his wife will follow them. Thus ends the American tour of Mascagni, who will return to his native land a loser of between \$10,000 and \$15,000.

Richard Heard of Boston, who managed

the company from the time it left that city after the trouble between Mascagni and his former managers, was yesterday discharged. He says the composer is indebted to him to the extent of over \$3,700 and engaged a lawyer. Another suit against Mascagni may result.

cagni may result.

Physicians in attendance on Mascagni say his condition is somewhat worse. An attack of fever complicates his case of tonsillitis. It is said that with good care he

Aged Shoplifter Had \$1,000 Worth of Goods.

New Haven, Conn., Dec. 24 .- Mrs. Hulda Koella, more than 70 years old, was detected last night shoplifting in the Edward Malley & Co. department store. She had twentystreet store. She had twenty-five dollars' worth of stolen goods in a small bag. Detectives went to her home, and the quantity of stolen goods found there would stock a store. It was valued at more than \$1,000. The woman's family was in total ignorance of her shoplifting proclipities

Policeman Dudley Will Be Dismissed. Patrolman William H. Dudley of the Delancey street station, who told Capt. Piper last week that he'd had sixteen drinks at least, and maybe twenty-five, was on trial before the Deputy Commissioner again yesterday at Police Headquarters. The charge was that he did not patrol his post properly. Roundsman Falconer testified that he couldn't find him for thirty minutes. After hearing the charges Capt. Piper told Dudley that he would be dismissed from the force.



and a kinder word to one another on that day than on any day in the year."-Dickens. "A Christma

Time enough to-morrow for clothing, furnishings, hats and

ROGERS, PEET & COMPANY. 256 Broadway, opposite City Hall, and 7 and 9 Warren St. 542 Broadway, cor. 13th, and 140 to 148 4th Ave. 1200 irroadway, cor. 32d, and 54 West 33d St.

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Information, apply to Manager, For-eign Department of Company, 68 Broadway, New York, or to any office of the Company.

Ripans Tabules doctors find a good prescrip

ACCUSES A DOCTOR.

Lawyer Save He Committed Periory in a Dr. Edmund Kolb of 433 West Forty-

seventh street was summoned to the Tombe police court yesterday on the complaint of Kronfeld & Harris, lawyers, of 320 Broadway. Leon Kronfeld of the firm told Magistrate Pool that Dr. Kolb had committed perjury in swearing in an affidavit that Johnnie Schumpp, 10 years old, did not sustain a broken leg when run over by a street car on Aug. 24. Dr. Kolb said

The lawyer insisted that Drs. Donovan and Slevin of the Harlem Hospital examined young Schumpp on the day he was in-jured and would testify that his leg was

Fronfeld said that on hearing of the accident to the boy he went to Dr. Kolb.

"I told the doctor," he explained, "that I wanted the damage case. He replied that the parents would probably not bring suit because they intended to settle privately with the company. At the time he added that young Schumpi, would be permanently that young Schumpp would be permanently injured. I saw the boy's parents and they authorized me to bring suit against the

company.

"In preparing my testimony, I took Dr. Kolb before a notary public and he swore that the boy's injury was not serious and consisted solely of a sprain."

Magistrate Pool refused to issue a warrant in the case until Kronfeld had prepared a complaint. The matter went over until Friday.

SMALL GAME FOR PETER LAKE. He's "Grand Central Pete," but His Palmy Days Have Passed.

Peter Lake, known to the police as "Grand Central Pete" when he was a star confidence man, but generally arrested of late on petty charges, was arrested yesterday morning charged with larceny. The complaint was made by Thomas L. Harris, 78 years old, of 251 West Ninety-first street. Lake is 66 years old. Several days ago he met Harris on the street and greeted him as a friend of years gone by. He exhim as a friend of years gone by. He ex-plained that his household goods had just reached here from Cuba and that he needed \$20 to pay the freight. Harris, it is alleged, gave Lake the \$20 and took what purpor ed to be a gold watch and chain as security. Yesterday morning Harris discovered that the watch and chain were worthless. Policeman Roache of the Wes 100th street station nabbed Lake and took him to the West Side police court. Magistrate Flam-mer held him in \$500 bail for trial.

ACCUSED OF EMBEZZLEMENT. Treasurer of a Mining Company Charged With Stealing \$100,000.

DANVILLE, Ill., Dec. 24.-When it became known in this city that Gov. Durbin of Indiana had honored requisition papers for he arrest of Frank C. Lorey of Petersburg. ind., on the charge of embezzling \$100,000 of the funds of the Dominion Gold Mining Company, of which he is treasurer, there was surprise among the hundreds of stock-

holders.

Henry Lloyd, a farmer of Catlin, near this city, who is said to know something about the issuance of the papers for Lorey, refused to discuss the matter, but admitted that such an action was taken about a month ago. J. C. Morehouse of this city, a stockholder, declared that Lorey had embezzled none of the funds of the company. The State's Attorney and the Sheriff, while intimating that they knew something of the action against Lorey, refused to discuss it.

Stern Brothers

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Silk Departments Printed Peau de Gant, Satin Liberty and Twilled Foulards

For Early Spring Wear.

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Cotton Dress Fabrics

For the Season of 1903

Large Assortments and Exclusive Styles.

Women's Shirt Waists (On the Second Floor)

of Scotch Madras, Piques, Cheviots, Vestings, Batistes White and Colored Linons, All-over Embroideries,

Irish and Butcher Linens and Lawns.

Spring Importations of

Embroideries

Swiss, Nainsook and Cambric Edges, Insertions, Floundings, Skirtings and All-overs.

Exclusive Patterns in Galloons, Medallions, Ribbon Beadings and All-overs in Irish Crochet Effects.

Madelra Hand-made Embroideries. Novelties in English Eyelet Designs.

West Twenty-third Street

THE EVENING SUN

of Saturday, January 3, 1903,

will contain a complete and accurate review of the financial conditions of 1902 and carefully prepared statistics showing the prospects for 1903.

This information will cover the leading industries and securities of the country, including tables of the transactions for the year 1902 in stocks and bonds, as well as the fluctuations in the prices of the important unlisted securities.

The articles will be written by experts, and will cover the field with the thoroughness typical of this

THE EVENING SUN prints accurately daily the complete transactions of the New York Stock

THE SUN

of Monday, January 5, 1903,

will print a complete and accurate review of the financial conditions of 1902 in more extended form than THE EVENING SUN of January 3.

IT WILL INCLUDE:

1. Views on the general financial situation, of the nature of review and prospect, from a large number of leading authorities all over the country.

2. Letters on the same subject from London, Paris

3. A stock table, showing the number of shares of each stock dealt in, the highest, lowest and closing prices, with dates thereof.

4. A bond table, as above.

5. Tables of Boston, Philadelphia and Chicago 6. Tables of miscellaneous statistical information

on financial, banking and mercantile subjects. 7. Statements from the presidents of all the prominent railroads of the country.

8. The state of general business in Canada.

9. A number of articles covering the iron and steel trade, the cooper mining industry and the general agricultural situation from different points of view; also articles on misce laneous metals, coffee, cotton, sugar and similar subjects.

10. Special articles by Government experts on agricul ural prospects here and abroad, foreign trade, gold production and world's supply of gold, etc.

11. An article on railway construction and improvements during the year.

12. A letter from San Francisco, telling of Pacific Coast conditions and the outlook for trade with the Orient.

ADVERTISING RATES

in THE EVENING SUN of January 3, and THE SUN of January 5, 1903, will remain as usual, despite the very large extra circulation which these issues will

Thirty-eight New Houndsmen.

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Commissioner Partridge yesterday announced the promotion of thirty-eight atrolmen to the grade of roundsman. In a little speech to the promoted men he told them that it was their duty to see that the patrolmen were doing their duty and that he had purposely passed over some roundsmen in making up the list of new sergeants on Tuesday because they hadn't preferred enough complaints. Ward Pays the Hotel Bill.

Percy Ward, who says he is an actor, and who hired a suite of rooms at the Officey House and then was arrested upon the complaint of the manager because he would not pay for number of drinks and cigars which he had ordered, was arraigned in the Jefferson Market court yesterday afternoon on the charge of disorderly conduct. Ward produced the amount due to the hotel and was dismissed.

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